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Governor

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Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

C0070047, Outgoing

#2989

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March 25, 2010

Greg Hunt
16577 Columbine Lane
Cedaredge, CO 81413

Subject: Permit Application, Kinney #2 Mine, C/007/0047

Dear Mr. Hunt:

After further review, I have decided that you should not be required to resubmit an entirely new application for the Kinney Mine (C/007/0047), nor should the review process start over completely, as was indicated in our January 7, 2010 letter.

You may return your original application, and the review will proceed as it stood on September 24, 2008. The deficiencies previously identified by the review staff must be addressed prior to approval, but those areas found adequate in the earlier review will not be re-examined (except to ensure they have not changed).

Because of the lack of activity for more than a year now, you will need to provide an opportunity for public comment. The public comment rules are intended to allow for an open and expedient process and envision a review that is more or less uninterrupted. Additionally, R645-300-131.101 provides that the Division's decision be made within 60 days of the close of the informal conference.

Upon resubmittal of your application, you will need to place an advertisement, in a local newspaper of general circulation at least once a week for four consecutive weeks. The advertisement should indicate that the Division will consider any comments received within 30 days of the last newspaper publication.

There is no requirement that the public comment process delay the permit review process in any way. Because the application has previously been determined administratively complete, the public comment process can begin as soon as you return the previous application as it stood in September of 2008. The review for technical adequacy could be concurrent with the public comment period, but cannot begin until you submit the further information requested in our September 24, 2008 review.



This decision is contingent upon receipt of your complete permit application by June 2, 2010. To be complete, it must include an appropriate response to each of the deficiencies identified by the Division in the September 24, 2008 review. The Division will officially deny the permit application if this deadline is not met.

Please feel free to call Dana Dean, Associate Director for Mining (801.538.5320), or Daron Haddock, Coal Regulatory Program Manager (801.538.5325) if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Baza", written over a horizontal line.

FOR
John R. Baza
Director